

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

**FILED**United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

United States of America

v.

Silvester CASTILLO (YOB 1985)

Case No. 21mj751 LF

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2021 in the county of McKinley in the
 District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1153	Offenses committed within Indian Country
18 U.S.C. § 1111(a)	Murder

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Thomas C. Neale, FBI Special Agent

Printed name and title

Sworn to before me by telephone or other reliable electronic means.

Date: 8:05 PM, Jun 2, 2021City and state: Albuquerque, New Mexico*Judge's signature*

Laura Fashing, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

INTRODUCTION

I, Thomas C. Neale, being duly sworn, depose and say:

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since September 2015; prior to this, I was a Richmond, Virginia police officer for approximately 6 years and have completed basic law enforcement academies in both organizations. As a law enforcement officer, I have conducted numerous investigations including crimes of violence, including physical and sexual assaults. I have experience in numerous investigative techniques including, but not limited to, interviewing victims, witnesses, and suspects, writing and applying for search warrants, and evidence collection.
2. This affidavit is based on my observations and information obtained from other law enforcement sources; it does not set forth all of my knowledge related to this investigation. This affidavit is submitted in support of an arrest warrant and criminal complaint charging Silvester CASTILLO, (YOB: 1985), an enrolled member of the Navajo Nation, with 18 U.S.C. § 1153, Offenses committed within Indian Country and 18 U.S.C. §: 1111(a) Murder.

PROBABLE CAUSE

3. On the morning of May 31, 2021, Navajo Police Department (NPD) officers responded to House 5808, Navajo Route 9, Torreon (Tinian), New Mexico to investigate a homicide. Upon arrival, the officers located J.M. (YOB 1987, hereinafter Jane DOE¹), deceased in the front yard of the residence. She was laying face up and naked except for sweatpants pulled down to her knees and underwear pulled down to her thighs. She had obvious blunt force trauma to her head, face, and various parts of her body. Jane DOE was located near a running Buick sedan that had

¹ Preliminary identification

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

extensive damage to the rear bumper. Suspected dried blood was observed on the bumper and license plate.

4. Officers entered the residence and found CASTILLO intoxicated and asleep in a rear bedroom. He had suspected blood on his hands, pants, and shoes and was taken into custody. Officers also located a four-year-old girl, J.M.C. (YOB 2017) and elderly female, N.S. (YOB 1933) inside of the residence. J.M.C. told one of the officers (paraphrased), “My mommy is dead” and, “He told me to hide the shovel.”

5. Others FBI personnel and I arrived on the scene to investigate. An NPD investigator and I interviewed N.S., who only spoke the Navajo language². N.S. said that she and CASTILLO reside in the residence alone. N.S. stated that early in the morning, while it was still dark, she was awoken by a loud thud on the side of her trailer. She opened the front door, looked into the yard, and observed the Buick perpendicular and next to the trailer. She saw CASTILLO standing near the driver’s side door and heard CASTILLO say (paraphrased), “I just killed a skinwalker.” N.S. saw CASTILLO pull Jane DOE away from the vehicle and then strike her with an unknown tool or item. N.S. went back to her bedroom and waited until sunlight to walk to her neighbor’s house and call for help.

6. I made contact with CASTILLO, who was still in NPD custody, and he immediately began making statements without questioning. After several attempts, I advised him of his rights pursuant to Miranda and he indicated he did not wish to speak with me, however as I began to leave, he resumed making statements. CASTILLO said that Jane DOE frequently visited him and his residence without invitation, brought him alcohol against his wishes, threatened N.S., and told CASTILLO that she was a “skinwalker.” CASTILLO also said that Jane DOE poisoned him

² The NPD investigator, who speaks Navajo, translated for me during the interview.

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

- causing him to lose consciousness - and he later awoke in his bed. He denied any involvement in Jane DOE'S death. CASTILLO was arrested by the NPD on tribal charges.

7. The scene was processed by FBI evidence technicians. A homemade tool that resembled a shovel was located in the front seat of the Buick. The Buick was determined to belong to Jane DOE. Apparent blood was located on the metal head of the tool and on the handle; a long hair was embedded in the blood. Based on my training and experience, I believe this evidence is indicative that the tool was used to bludgeon Jane DOE.

8. On June 1, 2021, I attended the autopsy of Jane DOE at the Office of the Medical Investigator (OMI). The attending pathologist advised that Jane DOE had numerous bruises and broken bones and died of blunt force trauma (homicide). Additionally, the pathologist stated that the extreme injury to Jane DOE'S face and head was consistent with a vehicle's wheel driving over it.

9. On June 2, 2021, I was advised that CASTILLO was about to be released from NPD custody. Supervisory Assistant United States Attorney (SAUSA) Kyle Nayback authorized a probable cause arrest and CASTILLO was arrested by the FBI. Another agent and I transported him to the Cibola County Correctional Center (CCCC). Immediately and again without questioning, CASTILLO made several statements³. He said that "it was self-defense" and that Jane DOE attacked him first. He indicated that she bit him on his shoulder, cut his hand, and burned him on his arm and allowed me to view these alleged injuries. I did not observe a bite mark but did observe a burn scar that appeared to be old. The injuries to his wrist appeared recent and were consistent with scraping of the skin by handcuffs. I advised CASTILLO of his

³ All interviews were recorded and are maintained by the FBI.

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

rights pursuant to Miranda and he indicated that he did not wish to answer questions, but continued to say, "it was self-defense."

10. The aforementioned alleged incident occurred within the exterior boundaries of the Navajo Nation, which is Tribal land, as defined by federal law.

11. CASTILLO and Jane DOE are enrolled members of the Navajo Nation.

CONCLUSION

16. Based on the above information, I believe that there is probable cause to charge Silvester CASTILLO, (YOB 1985), an enrolled member of the Navajo Nation, with 18 U.S.C. § 1153, Offenses committed within Indian Country, and 18 U.S.C. § 1111(a), Murder.


17. Supervisory Assistant United States Attorney (SAUSA) Kyle Nayback reviewed and approved this complaint.

Respectfully submitted,



Thomas C. Neale
FBI Special Agent

Subscribed and sworn to me telephonically and signed electronically on June 2, 2021:


The Honorable Laura Fashing
United States Magistrate Judge